

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

**RICHARD E. NORTON  
and CAROLYN NORTON,**

**Plaintiffs,**

**vs.**

**No. CIV 95-0679 MV/DJS**

**STEPHEN CURTIS, BOYD MAZER,  
CARMEN MAZER, AND WESTSTAR  
ESCROW, INC.,**

**Defendants.**

**MEMORANDUM OPINION AND ORDER GRANTING  
DEFENDANT MAZERS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

**THIS MATTER** comes before the Court on Defendant Mazers' Motion for Partial Summary Judgment filed May 8, 1997 [Doc. No. 163]. Defendant Mazers seek summary judgment on Counts I, II, IV, V, VI, VII, IX and X. Although Plaintiffs apparently prepared a response and provided it to Defendants, the response was never filed with the Court.<sup>1</sup> On approximately March 16, 1998, the Court contacted Plaintiff Richard Norton by phone and informed him that he had failed to file a response and requested that it be filed immediately as the case was set for trial in three weeks. A review of the docket reveals that no response has yet been filed. As trial on this matter is scheduled to commence in less than two weeks, the Court will grant Defendant Mazers' Motion pursuant to Local Rule 7.5 for failure to file a response. *See*

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<sup>1</sup> As Plaintiffs are *pro se* the package filing rule does not apply and Plaintiffs are responsible for filing and serving their response. *See* D.N.M.LR-Civ. 7.4.

D.N.M.LR-Civ 7.5 (failure to file a response in opposition to any motion constitutes consent to grant the motion).

**IT IS THEREFORE ORDERED** that Defendant Mazers' Motion for Partial Summary Judgment, filed May 8, 1997 [**Doc. No. 163**] is hereby **GRANTED**. Counts I, II, IV, V, VI, VII, IX and X are dismissed against Defendant Mazers.



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**MARTHA VÁZQUEZ**  
**UNITED STATES DISTRICT JUDGE**

Plaintiffs, pro se

Attorneys for Defendant Mazers:

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